

Notice of Allowability

Application No.

10/628,252

Examiner

Katherine W Mitchell

Applicant(s)

LARSON

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/25/2004.
2. ☒ The allowed claim(s) is/are 8-11 and 16-19.
3. ☒ The drawings filed on 29 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date with this action.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other 7 and 8 are same document.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on June 7 2004 requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 132759 the required fee of \$55.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS:

2. Claim 16 line 1 has been amended to delete "wherein; a)" and replace this with --wherein step a further comprises --.
3. Claim 17 line 2 has been amended to delete "includes;" and replace this with --includes in step b) the additional step of--.
4. Claim 18 line 2 has been amended to delete "a)" and replace it with --d)--.
5. Claim 19 line 1 has been amended to delete "Claim 8" and replace this with --Claim 18--
6. Claim 19 line 2 has been amended to delete "a)" and replace this with --said step d) further includes that --.

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7. Claim 19 line 4 has been amended to delete "b)" and replace this with --and said step d) further includes that --.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance: Examiner has reviewed in detail patent USP 4721418 and notes that it is the smooth sleeve itself which is connected to the pile, not a collar for holding the sleeve, and that the pile sleeve is placed about the pile prior to backfill earth being filled about the pile. This is structurally and functionally different than the method of installing the anti-jacking pile system of the present invention, which has a collar attached onto the lower end of a pile, said collar adjacent the bond breaking material such that the pile can be driven into earth with the collar protecting the bond breaking material's leading edge. Howard USP 3630037 teaches a similar pile structure but not a similar method, in that the pile of Howard is inserted in a drilled hole, and then the rubber sleeve is placed about the pile.

9. A "structure" is considered a slightly broader limitation than a "building", but examiner considers that it would be considered an obvious variant in terms of a method of installing an anti-jacking pile system. Applicant has filed a terminal disclaimer over the related case USP 6616381, which claims the narrower "building".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W Mitchell whose telephone number is 703-305-6713. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwm
6/7/2004

A handwritten signature in cursive script, appearing to read "Robert J. Swann".